

Application No. 09/874,483
Attorney Docket No. 3832-010581



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/874,483
Applicants : Glenn M. Renwick et al.
Filed : June 5, 2001
Title : METHOD OF PROCESSING VEHICLE DAMAGE CLAIMS
Art Unit : 3626
Examiner : Vanel Frenel
Confirmation No. : 6164
Customer No. : 28289

DECLARATION UNDER 37 C.F.R. §1.131

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, Steven Gellen, hereby declare as follows:

1. I am a named inventor of the invention described and claimed in the above-captioned application.

2. My invention, titled as a "Method of Processing Vehicle Damage Claims", was first disclosed in an e-mail, dated prior to January 19, 2001. In particular, this e-mail stated that I was "leading a team to develop a template for how claims offices may be configured in the future" which was labeled as Concierge. The e-mail specifically stated the system functions as follows: first, "a customer brings a damaged vehicle to a Progressive facility". Then, "a Progressive employee hands over keys to a rental car, and the customer leaves after ten minutes". Next, "an adjuster inspects the vehicle, writes an estimate and finds a body shop to work on the car". After that "the

body shop takes the car, repairs it and returns the car to the Progressive facility". Finally, "the customer returns the rental car and takes back his own car from our facility". A copy of this e-mail, with dates redacted, is attached hereto as Exhibit 1.

3. Subsequent to the above e-mail and prior to March 22, 2001, I prepared a flow chart describing the present invention and forwarded it to Dane Shrallow, Esq., Associate General Counsel for Progressive. This flow chart, along with a brochure which describes important elements of my invention, was, in turn, provided to our patent counsel, namely, The Webb Law Firm, on March 22, 2001. A copy of the flow chart and brochure along with a cover letter dated March 22, 2001 are attached hereto as Exhibit 2.

4. From March 22, 2001 until the United States filing date of June 5, 2001, for the above-identified application, I proceeded diligently by working on the development of the final design of the invention and explaining the invention to Progressive's patent counsel at The Webb Law Firm through Associate General Counsel at Progressive, reviewing the patent application prepared by patent counsel and filing the patent application in the United States Patent and Trademark Office on June 5, 2001. Specifically, a draft of the application was forwarded from The Webb Law Firm to Progressive via FedEx on April 26, 2001. On May 10, 2001, comments on the draft patent application were sent to The Webb Law Firm. These comments were incorporated into the patent application and the patent application was returned to Progressive on May 31, 2001. After a final review, approval was given on June 4, 2001 to The Webb Law Firm that the patent application should be filed. Documentation illustrating this chain of events is attached hereto as Exhibit 3. This documentation includes: (1) a FedEx receipt dated April 26, 2001; (2) a cover letter from The Webb Law Firm to Progressive dated April 25, 2001 relating to a first draft of the patent application for review by the inventors; (3) a return cover letter from Progressive to The Webb Law Firm dated May 10, 2001 with comments on the application; (4) a cover letter from The Webb Law Firm to Progressive dated May 31, 2001 enclosing a revised application incorporating Progressive's


comments; and (5) a final cover letter from Progressive to The Webb Law Firm dated June 4, 2001 returning the Declaration and Power of Attorney to The Webb Law Firm and authorizing the filing of the patent application.

5. The above application was subsequently filed in the United States Patent and Trademark Office on June 5, 2001.

6. To the best of my knowledge and belief, this invention was not sold or in public use in the United States for one year prior to the date of the above application, nor was it patented or described in a printed publication anywhere prior to that time. Finally, the invention was never abandoned.

7. This activity from before January 19, 2001 until June 15, 2001, which is the effective filing date of the United States patent application, demonstrates the required evidence of conception and diligence to the filing of the patent application.

8. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



Steven A. Gellen

12/20/06

Date